

REMARKS

This paper responds to the Office Action dated July 26, 2005.

Claims 1-4, 9-11, 18-20, 24, 29-32, 37-39, 45-47, 49 and 51 are amended, no claims are canceled, and no claims are added; as a result, claims 1-60 remain pending in this application.

Objection to the Drawings

The drawings were objected to as not showing every feature of the invention.

Applicant presently amends claims 3, 9, 10, 31, 37 and 38 to read “subdivisions.”

Support for the present amendments can be found at page 5, line 4 through page 6, line 4 and page 7, lines 6-20. Applicant respectfully submits that every feature of the invention specified in the claims is shown in the drawings and adequately described in the specification. For at least these reasons, Applicant requests withdrawal of the objection.

Objection to the Specification

The specification was objected to as not providing proper antecedent basis.

Applicant presently amends claims 3, 9 and 10, 31, 37 and 38 to recite “subdivisions.”

Support for the present amendments can be found at page 5, line 4 through page 6, line 4 and page 7, lines 6-20. Applicant requests withdrawal of the objection.

§112 Rejection of the Claims

Claims 1-60 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Applicant presently amends claims 1, 11, 18, 24, 29, 39, 45 and 51 to remove “may follow.” Applicant requests withdrawal of the rejection.

§ 102 / 103 Rejection of the Claims

Claims 1-60 were rejected under 35 U.S.C. § 102(b) for anticipation by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over, Fukasawa (U.S. 5,805,472).

Anticipation requires the disclosure in a single prior art reference of each element of the

claim under consideration.¹ It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*”²

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness.³ To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references.⁴

Applicant presently amends claims 1, 11, 18, 24, 29, 39, 45 and 51 to remove the language that the Office Action claims is very vague. Applicant respectfully submits that Fukasawa does not state each and every element of claims 1-60 and as such does not make out a *prima facie* case of anticipation. Applicant fails to find in Fukasawa each and every element of claims 1-60. The Office Action fails to cite to any particular statement in Fukasawa, other than the abstract which appears to merely describe a method of handling test trays, which states the elements in claims 1-60 in sufficient detail as to anticipate claims 1-60. For at least these reasons, Applicant respectfully requests the withdrawal of the rejection under 35 USC 102(b) and allowance of claims 1-60.

With respect to the assertion that claims 1-60 are non-obvious in light of Fukasawa, Applicant respectfully submits that for at least the reasons stated above, Fukasawa fails to state each and every element of claims 1-60 and in the absence of any other cited patent or document, Applicant respectfully requests withdrawal of the 35 USC 103(a) rejection and allowance of claims 1-60.

¹ *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

² *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

³ *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

⁴ *Id.*

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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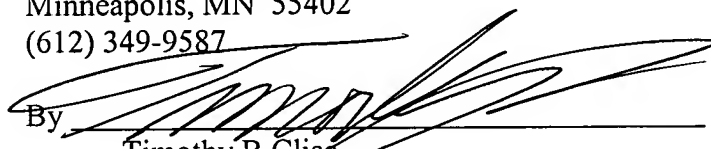
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Date

25 Oct '05

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25 day of October, 2005.

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